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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert N. Mayo et al.

Confirmation No.: 7387

Application No.: 10/629,040

Examiner: Frink J.

Filing Date: 7-28-2003

Group Art Unit: 2142

Title: DIRECTING CLIENT REQUESTS IN AN INFORMATION SYSTEM USING CLIENT-SIDE INFORMATION

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 7-16-07.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

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Respectfully submitted,

Robert N. Mayo et al.

By Paul H. Horstmann

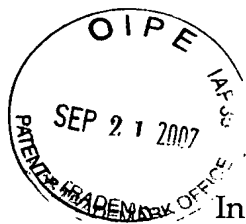
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Robert N. Mayo et al.

Application No: 10/629,040

Filed: 7-28-2003

For: DIRECTING CLIENT REQUESTS
IN AN INFORMATION SYSTEM
USING CLIENT-SIDE INFORMATION)

Examiner: Frink J.

Art Unit: 2142

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Paul H. Horstmann

Signature

9-17-07

Date

Appellant's Brief (Pursuant to 37 C.F.R. §41.37)

Dear Sir:

Appellant/ Appellant submits this Appeal Brief in connection with the above-referenced patent application which is on appeal to the Board of Patent Appeals and Interferences.

09/21/2007 FHETEKI1 00000063 082025 10629040

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TABLE OF CONTENTS

REAL PARTY IN INTEREST.....	4
RELATED APPEALS AND INTERFERENCES.....	4
STATUS OF THE CLAIMS	4
STATUS OF AMENDMENTS.....	4
SUMMARY OF CLAIMED SUBJECT MATTER	5
GROUND OF REJECTION TO BE REVIEWED ON APPEAL.....	6
I: REJECTION OF CLAIMS 1, 2, 10, 13, 15-17, 25, 28, AND 30 AS BEING ANTICIPATED BY FREEMAN.	6
II: REJECTION OF CLAIMS 3, 7, 10-12, 18, 22, 25, 26 AND 27 AS BEING OBVIOUS IN VIEW OF FREEMAN AND TOGA.	6
III: REJECTION OF CLAIMS 4 AND 19 AS BEING OBVIOUS IN VIEW OF FREEMAN AND BAUMANN.	6
IV: REJECTION OF CLAIMS 5, 14, 20, AND 29 AS BEING OBVIOUS IN VIEW OF FREEMAN AND AMON.	6
V: REJECTION OF CLAIMS 6 AND 21 AS BEING OBVIOUS IN VIEW OF FREEMAN AND LAURIE.	6
VI: REJECTION OF CLAIMS 8, 9, 23, AND 24 AS BEING OBVIOUS IN VIEW OF FREEMAN AND W3C.ORG.	6
ARGUMENT.....	7
I: CLAIMS 1, 2, 10, 13, 15-17, 25, 28, AND 30 ARE NOT ANTICIPATED BY FREEMAN BECAUSE FREEMAN DOES NOT DISCLOSE A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.	7
II: CLAIMS 3, 7, 10-12, 18, 22, 25, 26 AND 27 ARE NOT OBVIOUS IN VIEW OF FREEMAN AND TOGA BECAUSE FREEMAN AND TOGA DO NOT DISCLOSE OR SUGGEST A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.	8
III: CLAIMS 4 AND 19 ARE NOT OBVIOUS IN VIEW OF FREEMAN AND BAUMANN BECAUSE FREEMAN AND BAUMANN DO NOT DISCLOSE OR SUGGEST A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.	9
IV: CLAIMS 5, 14, 20, AND 29 ARE NOT OBVIOUS IN VIEW OF FREEMAN AND AMON BECAUSE FREEMAN AND AMON DO NOT DISCLOSE OR SUGGEST A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.	10
V: CLAIMS 6 AND 21 ARE NOT OBVIOUS IN VIEW OF FREEMAN AND LAURIE BECAUSE FREEMAN AND LAURIE DO NOT DISCLOSE OR SUGGEST A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.	11

VI: CLAIMS 8, 9, 23, AND 24 ARE NOT OBVIOUS IN VIEW OF FREEMAN AND W3C.ORG BECAUSE FREEMAN AND W3C.ORG DO NOT DISCLOSE OR SUGGEST A CLIENT THAT GENERATES A SET OF CLIENT-SIDE INFORMATION TO CONTROL WHICH OF A SET OF ACCESS SUBSYSTEMS IS TO HANDLE A CLIENT REQUEST AS CLAIMED IN INDEPENDENT CLAIMS 1 AND 16.....	12
CONCLUSION	13
CLAIMS APPENDIX	14
EVIDENCE APPENDIX.....	18
RELATED PROCEEDINGS APPENDIX.....	19

REAL PARTY IN INTEREST

The real party in interest in this application is Hewlett-Packard Development Company, L.P.

RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any other related appeals or interferences that may directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

STATUS OF THE CLAIMS

Claims 1, 2, 10, 13, 15-17, 25, 28, and 30 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent Publication 2001/0049717 of *Freeman et al.* ("*Freeman*").

Claims 3, 7, 10-12, 18, 22, 25, 26 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Freeman* and U.S. Patent No. 5,987,504 of *Toga* ("*Toga*").

Claims 4 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Freeman* and U.S. Patent Publication 2002/0099844 of *Baumann et al.* ("*Baumann*").

Claims 5, 14, 20 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Freeman* and U.S. Patent No. 7,110,962 of *Amon et al.* ("*Amon*").

Claims 6 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Freeman* and Apache: The Definitive Guide of *Laurie* and *Laurie* ("*Laurie*").

Claims 8, 9, 23, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Freeman* and *W3C.org*".

Appellant appeals the rejection of all of the pending claims 1-30. Claims 1-30 as currently pending are set forth in the attached Appendix.

STATUS OF AMENDMENTS

Appellant is unaware of any amendments filed after the Final Office Action mailed 4-16-07 which finally rejected claims 1-30.

SUMMARY OF CLAIMED SUBJECT MATTER

Independent claims 1 and 16 are directed to a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request. (See Page 3 of appellant's specification). The client side information generated by the client may be useful in enhancing overall response time in the information system while minimizing loss of valuable cached information caused by power reduction in the information system. (See Pages 3 and 5 of appellant's specification).

Independent claim 1 is an information system that includes a set of access subsystems each for use in accessing a persistent store in the information system in response to a client request (See page 5, first paragraph and Figure 1, elements 30-34 and 40 of Appellant's specification) and that further includes a transaction director that determines which of the access subsystems is to handle the client request in response to a set of client-side information associated with the client request wherein the client-side information is generated by the client (See page 5, second paragraph and Figure 1, element 20 of Appellant's specification).

Independent claim 16 is a method for directing a client request in an information system including determining which of a set of access subsystems in the information system is to handle the client request in response to a set of client-side information associated with the client request wherein the client-side information is generated by a client of the information system. (See pages 5-9 of Appellant's specification).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

I: Rejection of claims 1, 2, 10, 13, 15-17, 25, 28, and 30 as being anticipated by *Freeman*.

II: Rejection of claims 3, 7, 10-12, 18, 22, 25, 26 and 27 as being obvious in view of *Freeman* and *Toga*.

III: Rejection of claims 4 and 19 as being obvious in view of *Freeman* and *Baumann*.

IV: Rejection of claims 5, 14, 20, and 29 as being obvious in view of *Freeman* and *Amon*.

V: Rejection of claims 6 and 21 as being obvious in view of *Freeman* and *Laurie*.

VI: Rejection of claims 8, 9, 23, and 24 as being obvious in view of *Freeman* and *W3C.org*.

ARGUMENT

I: Claims 1, 2, 10, 13, 15-17, 25, 28, and 30 are not anticipated by *Freeman* because *Freeman* does not disclose a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 1, 2, 10, 13, 15-17, 25, 28, and 30 are not anticipated by *Freeman* because *Freeman* does not disclose a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 2, 10, 13, 15, 17, 25, 28, and 30 depend. Figure 1 of *Freeman* shows a client 120 that requests execution of an application program in a server farm 110 (*Freeman*, paragraph 0100) but *Freeman* does not teach that the client 120 generates a set of client-side information in its request as claimed in claims 1 and 16.

The examiner has stated that the source subsystem UID 722 in Figure 7B of *Freeman* is client-side information. (Page 2, Office Action, 4/16/07). Appellant respectfully submits that the source subsystem UID 722 in Figure 7B of *Freeman* is not information generated by the client 120 as claimed in claims 1 and 16. Instead, the source subsystem UID 722 in Figure 7B of *Freeman* is information generated by a subsystem inside a server 180 in the server farm 110. For example, *Freeman* teaches that the server 180 includes a set of subsystems 300 and 350 (*Freeman*, Figure 3 and paragraph 0126) and that the subsystems 300 and 350 communicate using events carried on an event bus 310 inside the server 180 (*Freeman*, paragraph 0128) and that the source subsystem UID 722 is used for “identifying a source subsystem” for an event (*Freeman*, paragraph 0252). Clearly, events passed between subsystems inside a server as taught by *Freeman* do not anticipate a set of client-side information generated by a client in a client request as claimed in claims 1 and 16.

II: Claims 3, 7, 10-12, 18, 22, 25, 26 and 27 are not obvious in view of *Freeman* and *Toga* because *Freeman* and *Toga* do not disclose or suggest a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 3, 7, 10-12, 18, 22, 25, 26 and 27 are not obvious in view of *Freeman* and *Toga* because *Freeman* and *Toga* do not disclose or suggest a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 3, 7, 10-12, 18, 22, 25, 26 and 27 depend. Appellant has shown that *Freeman* does not disclose the limitations of claims 1 and 16. *Toga* discloses a client that generates a set of client-side information that identifies a data file stored on a server and a storage address in the client for storing the data file (*Toga*, col. 1, line 65 through col. 2, line 5) rather than a set of client-side information that controls which of a set of access subsystems in the is to handle a client request as claimed in claims 1 and 16.

III: Claims 4 and 19 are not obvious in view of *Freeman* and *Baumann* because *Freeman* and *Baumann* do not disclose or suggest a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 4 and 19 are not obvious in view of *Freeman* and *Baumann* because *Freeman* and *Baumann* do not disclose or suggest a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 4 and 19 depend. Appellant has shown that *Freeman* does not disclose the limitations of claims 1 and 16. *Baumann* discloses a client that generates a set of client-side information that pertains to Internet data streams (*Baumann*, paragraph 0061) rather than a set of client-side information that controls which of a set of access subsystems in the is to handle a client request as claimed in claims 1 and 16.

IV: Claims 5, 14, 20, and 29 are not obvious in view of *Freeman* and *Amon* because *Freeman* and *Amon* do not disclose or suggest a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 5, 14, 20, and 29 are not obvious in view of *Freeman* and *Amon* because *Freeman* and *Amon* do not disclose or suggest a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 5, 14, 20, and 29 depend. Appellant has shown that *Freeman* does not disclose the limitations of claims 1 and 16. *Amon* discloses a client that generates a set of client-side information that pertains to receipt of a provider-selected message (*Amon*, col. 4, lines 37-40) rather than a set of client-side information that controls which of a set of access subsystems in the is to handle a client request as claimed in claims 1 and 16.

V: Claims 6 and 21 are not obvious in view of *Freeman* and *Laurie* because *Freeman* and *Laurie* do not disclose or suggest a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 6 and 21 are not obvious in view of *Freeman* and *Laurie* because *Freeman* and *Laurie* do not disclose or suggest a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 6 and 21 depend. Appellant has shown that *Freeman* does not disclose the limitations of claims 1 and 16. *Laurie* discloses logging a client request (*Laurie*, section 11.5) rather than a set of client-side information that controls which of a set of access subsystems in the is to handle a client request as claimed in claims 1 and 16.

VI: Claims 8, 9, 23, and 24 are not obvious in view of *Freeman* and *W3C.org* because *Freeman* and *W3C.org* do not disclose or suggest a client that generates a set of client-side information to control which of a set of access subsystems is to handle a client request as claimed in independent claims 1 and 16.

Appellant respectfully submits that claims 8, 9, 23, and 24 are not obvious in view of *Freeman* and *W3C.org* because *Freeman* and *W3C.org* do not disclose or suggest a client that generates a set of client-side information in a client request to control which of a set of access subsystems in an information system is to handle the client request as claimed in claims 1 and 16 from which claims 8, 9, 23, and 24 depend. Appellant has shown that *Freeman* does not disclose the limitations of claims 1 and 16. *W3C.org* discloses HTTP request fields (*W3C.org*, entire document) rather than a set of client-side information that controls which of a set of access subsystems in the is to handle a client request as claimed in claims 1 and 16.

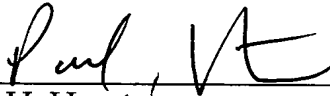
CONCLUSION

Appellant respectfully submits that the stated rejections cannot be maintained in view of the arguments set forth above. Appellant respectfully submits that all of the claims 1-30 are patentable under 35 U.S.C. §§102, 103 over the references cited by the Examiner and requests that the Board of Patent Appeals and Interferences direct allowance of the rejected claims.

Respectfully submitted,

By

Date: 9-17-07



Paul H. Horstmann
Reg. No. 36,167

CLAIMS APPENDIX

1. An information system, comprising:
a set of access subsystems each for use in accessing a persistent store in the information system in response to a client request from a client of the information system;
transaction director that determines which of the access subsystems is to handle the client request in response to a set of client-side information associated with the client request wherein the client-side information is generated by the client.
2. The information system of claim 1, wherein the client-side information includes a set of information pertaining to the client.
3. The information system of claim 1, wherein the client-side information includes a set of information pertaining to a user.
4. The information system of claim 1, wherein the client-side information includes information pertaining to a history of prior interactions with the information system.
5. The information system of claim 1, wherein the client-side information includes a potential frequency of client requests from the client.
6. The information system of claim 1, wherein the client-side information includes a priority of a set of data targeted by the client request.
7. The information system of claim 1, wherein the client-side information includes a hint on where a set of data targeted by the client request may be stored.
8. The information system of claim 1, wherein the client-side information includes a cost indication with the client request.

9. The information system of claim 1, wherein the client-side information includes a computational intensity associated with the client request.
10. The information system of claim 1, wherein the client-side information includes a set of samples from sensors in an environment of the client.
11. The information system of claim 1, wherein the client-side information includes an indication of hardware capabilities of the client.
12. The information system of claim 1, wherein the client-side information includes an indication of a type of application that generated the client request.
13. The information system of claim 1, wherein the client-side information includes an indication of a location of the client.
14. The information system of claim 1, wherein the client-side information includes a cookie that is stored in the client.
15. The information system of claim 1, wherein the transaction director assigns the client request to the access subsystems in response to the client-side information and a rank associated with each access subsystem.
16. A method for directing a client request in an information system including determining which of a set of access subsystems in the information system is to handle the client request in response to a set of client-side information associated with the client request wherein the client-side information is generated by a client of the information system.
17. The method of claim 16, wherein the client-side information includes a set of information pertaining to the client.
18. The method of claim 16, wherein the client-side information includes a set of information pertaining to a user.

19. The method of claim 16, wherein the client-side information includes information pertaining to a history of prior interactions with the information system.
20. The method of claim 16, wherein the client-side information includes a potential frequency of client requests from the client.
21. The method of claim 16, wherein the client-side information includes a priority of a set of data targeted by the client request.
22. The method of claim 16, wherein the client-side information includes a hint on where a set of data targeted by the client request may be stored.
23. The method of claim 16, wherein the client-side information includes a cost indication with the client request.
24. The method of claim 16, wherein the client-side information includes a computational intensity associated with the client request.
25. The method of claim 16, wherein the client-side information includes a set of samples from sensors in an environment of the client.
26. The method of claim 16, wherein the client-side information includes an indication of hardware capabilities of the client.
27. The method of claim 16, wherein the client-side information includes an indication of a type of application that generated the client request.
28. The method of claim 16, wherein the client-side information includes an indication of a location of the client.
29. The method of claim 16, wherein the client-side information includes a cookie that is stored in the client.

30. The method of claim 16, wherein determining includes determining in response to a rank associated with each access subsystem.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.